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January 3, 2023

VIA ECF

Honorable Robert E. Lehrburger
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: **PDV USA, Inc. v. Interamerican Consulting Inc.,**
Case No.: 1:20-cv-03699-JGK-RWL

Dear Judge Lehrburger:

We represent Interamerican Consulting, Inc. ("Interamerican") in the above-referenced case. We write regarding the issues to be discussed at the January 3, 2022 Discovery Conference, and we respectfully request leave to take the following discovery outside the current fact discovery deadline of November 18, 2022. PDV USA, Inc. ("PDV USA") has agreed that it would not use the current fact discovery deadline to oppose the relief sought in this Letter.

Through no fault of its own, Interamerican has been unable to complete discovery of the following items within the current discovery deadlines:

- **Communications Between the Department of Justice ("DOJ") and PDV USA (or Its Affiliates):** Interamerican addressed the issue of PDV USA's communications with the DOJ at the November 9, 2022 deposition of PDV USA's corporate representative. PDV USA incorrectly claimed that these communications were protected by the attorney-client privilege. When Interamerican attempted a meet-and-confer on November 17, 2022, PDV USA insisted that the parties continue negotiating on the issue before resorting to motion practice. PDV USA has not offered any solutions (or any valid basis why these communications would be privileged). Interamerican intends to file a motion to compel, which will more fully address this issue.
- **Oral Deposition of Mr. Doe:** Interamerican attempted to take the deposition of Mr. Doe on November 17, 2022, when he was already previously scheduled to be deposed by written deposition. When Mr. Doe refused, Interamerican was forced to seek relief in another federal District Court. After extensive motion practice, Interamerican was permitted to take the deposition

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of Mr. Doe. However, this order was issued after the discovery cutoff in this case. Interamerican needs additional time to take this deposition.¹

With other deadlines fast approaching, Interamerican respectfully requests leave to take the following discovery outside the fact discovery deadline: (a) Interamerican may take a second deposition of PDV USA's corporate representative (or attorneys representing PDV USA or its affiliates) to inquire into the subject matter of any communications between PDV USA or its affiliates and the DOJ; and (b) Interamerican may take the oral deposition of Mr. Doe.

Respectfully submitted,

/s/ Tucker Byrd

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¹ Interamerican previously sought leave of this Court to take the deposition of Mr. Doe (Doc. 116). When Interamerican advised the Court that it was withdrawing its motion because the parties had reached an agreement with regard to the dispute giving rise to the motion, the Court denied the motion without prejudice (Doc. 118). With other upcoming deadlines in the case, Interamerican must again seek leave of Court.